

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: CRIMINAL JUSTICE**

**DATE: March 27, 2008**

**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
O'CONNOR  
STEC  
KENNY  
VANNESS  
TAYLOR

**COMMITTEE MEMBER ABSENT:**

SUPERVISOR TESSIER

**OTHERS PRESENT:**

ROBERT IUSI, DIRECTOR, PROBATION  
KATE HOGAN, DISTRICT ATTORNEY  
FREDERICK MONROE, CHAIRMAN  
HAL PAYNE, COMMISSIONER OF  
ADMINISTRATIVE & FISCAL SERVICES  
JOAN SADY, CLERK OF THE BOARD  
NATHAN YORK, SHERIFF  
SHANE ROSS, DEPUTY CHIEF  
KAREN PUTNEY, ADMINISTRATOR, FIRE  
PREVENTION & BUILDING CODE  
ENFORCEMENT  
TOM RANDALL, *ADIRONDACK JOURNAL*  
JOANNE COLLINS, LEGISLATIVE OFFICE  
SPECIALIST

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In the absence of the Committee Chairman, Vice Chairman, Mr. Bentley called the meeting of the Criminal Justice Committee to order at 9:35 a.m.

Motion was made by Mr. Stec, seconded by Mr. O'Connor, and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Robert Iusi, Director of the Probation Department, who requested permission to enter into an Inter-Municipal Agreement with Washington County to contract with Forensic Mental Health Association for the Warren/Washington Counties Sex Offender Collaboration. The grant, he stated, was in the amount of \$15,000 and fully State funded.

Motion was made by Mr. Kenny, seconded by Mr. O'Connor and carried unanimously to enter into an Inter-Municipal Agreement with Washington County for sex offender collaboration services with Forensic Mental Health Associates as outlined above; and the necessary resolution was authorized for the April 18, 2008 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed copies of the agenda to Committee members. *A copy of the agenda is on file with*

*the minutes.*

Ms. Hogan asked the Committee members if they had received her email with the meeting agenda. Due to the fact that several Committee members had not received the email, Joan Sady, Clerk of the Board, advised that her Office could provide Ms. Hogan with the list of email addresses for the Committee.

Ms. Hogan addressed agenda item one; the review of the 2007 fiscal performance and referred the Committee to the Budget Performance Report and memorandum, a copy of which is included with the minutes. She noted that the District Attorney's Office had stayed within their 2007 budget with a balance of \$962 remaining, which was as close to the target as could be achieved. Ms. Hogan pointed out a discrepancy in the salaries-part-time code and salaries-full-time code figures for last year, and she noted that remediation of same for 2008 required a budget adjustment, which was evidenced on the report.

With reference to paragraph two of the budget memo, Ms. Hogan stated she had assumed that the final quarter revenue figures became available in January 2008 and if so, a delay in the numbers could routinely be expected and this could be confirmed with the Treasurer. In terms of revenue, Ms. Hogan expressed to the Committee the expectation for State revenue reductions. Ms. Hogan referenced Governor Patterson's address to the Schenectady City Council, whereby the Council was apprised of a two percent cut in revenue. With this, she said, the County should expect reductions in revenue as well. She noted that both the State revenue for salary reimbursement and the Aid to Prosecution had been reduced.

Ms. Hogan referred to agenda item two, and requested a Transfer of Funds in the amount of \$53,718 to correct the aforementioned error.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously approving the request to transfer funds and to refer same to the Finance Committee. *A copy of the Transfer of Funds request form is on file with the minutes. (Note: Subsequent to the meeting the request for a transfer of funds was amended to \$48,718, and a copy of the amended request is on file with the minutes.)*

Moving forward, Ms. Hogan raised the issue of a County ordinance proposal regarding record keeping in certain businesses. She said her Office had seen a number of cases involving drug addicts that had stolen from family members or committed residential or commercial burglary and then proceeded to local pawn shops to sell the stolen items. The lack of information recorded by most shops posed a real problem in terms of investigation, she said. She emphasized that the

victims expectations from the criminal justice system was the return of the actual stolen item(s), which were often of great sentimental value. According to Ms. Hogan, in terms of law enforcement investigation, the lack of information available compromised the level at which both the Police and Investigators could move forward in an effort to locate stolen possessions. She asserted to the Committee that Warren County needed to create an ordinance like other counties had done, such as Albany, whereby local pawn shops under a county ordinance were required to maintain records such as a book or log of incoming items. An ordinance as such should not pose any undue imposition on legitimate businesses. The information, she said, would allow the criminal justice system to make a connection between the burglary and the path of the stolen property, which would result in a more thorough investigation.

Ms. Hogan apprised the Committee that she had spoken with Paul Dusek, County Attorney, who reviewed this proposal favorably. She stated she planned to examine Albany County's ordinance as soon as it was received.

Ms. Hogan noted that Mr. Dusek had suggested the proposed ordinance be introduced and a public hearing scheduled and that he would proceed to prepare the draft necessary for the County to institute this ordinance.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to authorize the County Attorney to prepare the ordinance for consideration and to set a public hearing with regard to a County ordinance requiring record keeping in certain businesses.

Mr. Stec interjected that he had a discussion with Investigator Mann recently who pointed out the addition of a new pawn shop on Main Street in the Town of Queensbury. Mr. Stec stated his agreement in creating an ordinance and added that Investigator Mann talked about the rationale with regard to the significance of these pawn shops in relation to criminal acts.

A discussion ensued.

Mr. VanNess clarified that the records of the pawn shop businesses would be provided upon request.

Ms. Hogan reiterated her plans to contact and review other capital district County statutes and to discuss her findings with Mr. Dusek. With regard to other County ordinances, she said that the County could modify any existing ordinance if necessary to meet specific needs, or to mirror what they had done. According to

Ms. Hogan it was not necessary to start from the beginning if other Counties had already created this type of ordinance.

Mr. Bentley asked when the public hearing would be scheduled and Ms. Hogan responded that both she and Mr. Dusek would need to complete some preparatory work prior to setting the date for the hearing. Today, she said, she was requesting approval from the Committee to hold a public hearing; however, the date could not be set at this time.

Following discussions, Mr. Bentley called the question and the motion was carried unanimously to authorize the County Attorney to prepare an ordinance proposal regarding record keeping in certain businesses and to set a public hearing for same. The necessary resolution was authorized for the next Board meeting.

Chairman Monroe, suggested that the issue also be referred to the Legislative Committee.

Moving to the fourth agenda item, Ms. Hogan informed the Committee of the progress of the CARE Center and expressed that as of October 1, 2008, the County would no longer be responsible for the Center. She said that a new Request for Proposal (RFP) would go out and the \$90,000 in remaining funds would be put toward renovations which would cover the cost of construction through the summer of 2008.

If any additional renovations were needed, she said, Dan Bruno, Project Engineer with Highlander Engineering, whom Ms. Hogan said had done an excellent job for the County, could assist with those. Ms. Hogan explained that it was Mr. Bruno who suggested reaching out to BOCES and as a result she had made contact with individuals at the Hudson Falls campus of BOCES and made arrangements for volunteers to complete the work once the grant money was expended. The good news was that it would happen after this became a 501C3 (not-for-profit) organization and no longer would be the County's obligation, she said. Ms. Hogan thanked the Committee, and the County for the patience shown and for serving as a conduit for the funds, which was instrumental in launching this now self-sustaining, independent not-for-profit corporation that without assistance from the County could not have been possible. She said she was personally grateful for every child that this center would help protect.

Mr. Dusek entered the meeting at 9:50 a.m.

Ms. Hogan returned to agenda item three with regard to the time frame for setting

the public hearing. Ms. Hogan restated that she was waiting to receive a copy of the Albany County ordinance and that she would like to canvas for Schenectady and Rensselaer Counties. Mr. Dusek replied that if the copy was received in time, he could prepare the resolution that would set the public hearing at the April Board meeting; therefore, he said, the public hearing would be on May 16<sup>th</sup> and the ordinance could be in effect in May. He stated that he required the proposal a week and a half prior to the Board meeting.

Ms. Hogan addressed the next agenda item which included requests for Authorization to Attend Meetings or Conventions as follows:

- Edward Breen, ADA, to attend a Drug Court Practitioner Training Series to be held in the Judicial Training Center, Annapolis, MD from July 15, 2008 to July 18, 2008 via air travel.
- Joy Savoie to attend the Second Annual New York Statewide Conference on VINE (Victim Identification and Notification Everyday), in Albany, NY on April 18, 2008; and
- Joy Savoie and Justine Cording to attend training at the New York State Victim Assistance Academy at Marist College, Poughkeepsie, NY from June 15, 2008 to June 20, 2008.

Ms. Hogan informed the Committee that Kevin Donlon, Assistant District Attorney, was handling both drug treatment court and sex crimes prosecution. The Office required another assistant to take over the drug treatment court, she noted, because the sex crimes prosecution work was demanding of all Mr. Donlon's time. She said Mr. Breen was new to the staff and Ms. Hogan maintained the value of this out-of-state training opportunity in Annapolis, MD and she stated that there was money in the budget for this expense. Additionally, she noted, asset forfeiture money could be used for training and she would confirm whether State or Federal asset forfeiture should be used for out-of-state travel.

Motion was made by Mr. VanNess, seconded by Mr. Kenny and carried unanimously to approve the travel requests as presented. *Copies of the Authorizations to Attend Meetings or Conventions are on file with the minutes and the necessary resolution for Out-of-State travel was authorized for the next board meeting. Note: subsequent to the meeting an additional request for travel was approved for Kevin Donlon to attend Sex Offender Management Training in Albany On April 9, 2008.*

Addressing the last item on the agenda, Ms. Hogan reported the Operation Safe Child grant had been awarded in the amount of \$15,000. She requested to amend the County budget to increase estimated revenues and appropriations in the amount of \$15,000 to reflect receipt of the grant funds. She advised that the funds would be used in partnership with the New York State Police, the New York Sheriffs Association, and the New York Association of Police Chiefs, to purchase computer equipment, printers, laptops and any necessary supplies for the purpose of fingerprinting and data collection for each child entered into the program.

Motion was made by Mr. Kenny, seconded by Mr. Stec and carried unanimously to approve the request to amend the County budget in the amount of \$15,000 to reflect receipt of the Operation Safe Child grant funds and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Mrs. Sady presented a resolution request on behalf of the Assigned Counsel to amend an existing contract with the Legal Aid Society of Northeastern New York, Inc. to increase the contract amount and extend services for provision of free indigent representation as a Conflict Defender in the Warren County Family Court effective May 1, 2008 through April 30, 2009 in the amount of \$78,750.

Motion was made by Mr. VanNess, seconded by Mr. Stec and carried unanimously to approve the request as outlined above; and the necessary resolution was authorized for the April 18, 2008 Board meeting. *A copy of the resolution request form is on file with the minutes.*

There being no further business to come before the Criminal Justice Committee, on motion by Mr. VanNess and seconded by Mr. Stec, Mr. Bentley adjourned the meeting at 9:56 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist